



STATE BOARD OF EQUALIZATION

220 N STREET, SACRAMENTO, CALIFORNIA
(P.O. BOX 1799, SACRAMENTO, CALIFORNIA 95808)

(916) 445-4982

January 4, 1984

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Controller, Sacramento

DOUGLAS D. BELL
Executive Secretary

No. 84/02

TO COUNTY ASSESSORS:

ASSEMBLY BILL 233, FRANCHISE TAX RETURNS

Section 19286 of the Revenue and Taxation Code allows the Franchise Tax Board to provide tax officials of this state (including assessors) with copies of state income tax returns of individuals, estates, trusts, and partnerships. Section 26453(c) provides the same authorization with respect to banks and corporations.

Requests for copies of personal income tax returns must be made by affidavit (example enclosed) under penalty of perjury. More detailed instructions for obtaining copies of returns are given later in this letter.

Assembly Bill 233 (Chapter 62, Statutes of 1983) amended Section 19286 to require that the tax official must, at the time of making a request, provide the taxpayer with a copy of the affidavit and, upon request, make the information obtained available to the taxpayer.

This new requirement is effective January 1, 1984. Note that it applies only to tax returns of individuals, estates, trusts, or partnerships. Also note that it is the tax official (assessor) who must provide the copy of the affidavit, not the Franchise Tax Board.

A copy of Assembly Bill 233 is enclosed.

Requests for Obtaining State Income or Franchise Tax Return Information

Information furnished pursuant to Section 19286 (state income tax) or Section 26453(c) (bank and corporation income and franchise tax) will be provided only if the request is made in the form of an affidavit executed under penalty of perjury. The request must state that the purpose of the request relates to an investigation of the tax specified in the request and that the information will be used only in the ordinary performance of the applicant's official duties.

Each request should contain the following information where possible.

1. Name--Complete name of individual (and spouse's name where applicable), estate, trust, partnership, or exact corporate name. A DBA (Doing Business As) is not a name.

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2. Identifying Number
Individuals -- Social Security Number(s) (check homeowners' exemption file)

Partnerships, Estates, Trusts -- FEIN (federal employer's identification number)

Corporations, Banks -- Corporate number issued by the Secretary of State or assigned by the Franchise Tax Board
3. Taxable years for which the information is requested.
4. Specific information requested.

By policy, the Franchise Tax Board releases tax return information only on a "need-to-know" basis. The complete tax return will not be provided unless it can be shown that the tax official needs all such information. Typically, an assessor would request depreciation schedules, rental income and expense schedules, etc., but have no need to know an individual's wages or list of itemized personal deductions.

The affidavit should be made on official county stationery. If more than one request is being made at the same time, a separate affidavit should be made for each request.

The affidavit should be mailed to:

Data Storage and Retrieval Services--RID
F. O. Box 1468
Sacramento, CA 95807

Do not include "Franchise Tax Board" on the envelope. If you do, the request may be mixed with incoming tax returns and delayed for several weeks.

In the case of a request for tax return information of an individual, estate, trust, or partnership, a copy of the affidavit must be mailed to the taxpayer at the same time the request is mailed to the Franchise Tax Board.

Personal income or franchise tax information must be safeguarded as follows:

1. Data must be handled and used by tax employees only, on a need-to-know basis. Procedures must be established to ensure that any confidential data commingled with nontax data is not inadvertently disclosed to nontax employees or organizations. However, the taxpayer is entitled under Section 408(b) of the Revenue and Taxation Code to inspect all information relative to his or her assessment. Also, Section 19286 of the Revenue and Taxation Code specifically requires that, upon request, information obtained from the Franchise Tax Board shall be made available to the taxpayer.

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2. Data must be stored in locked storage devices and/or rooms when not in use.
3. Janitors and other nontax employees must not have access to the confidential data.
4. Data must be destroyed after it has served its useful purpose. Destruction must be carried out by shredding or other method that fully protects the confidentiality of the data.

Employees who are authorized access to and use of confidential State tax return information should be informed of the penal provisions of Section 19287 of the Revenue and Taxation Code, which provides that any unwarranted use of the information provided, or any unwarranted disclosure of the information by the person or agency obtaining it, is a misdemeanor.

Questions regarding this letter should be directed to Charlie Knudsen at (916) 445-4982. For details on obtaining copies of returns, call the Disclosure Office (Franchise Tax Board) at (916) 355-0239.

Sincerely,



Verne Walton, Chief
Assessment Standards Division

VW:wpc
Enclosures
AL-04B-1802A/W-6

(Agency Letterhead
and Phone Number)

AFFIDAVIT

I, _____ declare that I am a
(name)

_____ for the _____
(title)

County Assessor's Office; that the tax return information requested under Revenue and Taxation Code Section 19286 or Section 26453(c) relates to my current investigation of property tax assessment specified by Sections XIII and XIII A of the California Constitution and Sections 404 and 405 of the Revenue and Taxation Code; and the information will only be used in the ordinary performance of my official duties. I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on _____ at _____
(date) (location)

Signature

Telephone

Information Requested

Taxpayer's Name: _____

Taxpayer's Address: _____

Taxpayers SSA (or other ID number): _____

Taxable Years: _____

Specific Information Requested:

